



Serial No. 09/444,284
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vogels et al.

Serial No.: 09/444,284

Filed: 19 November 1999

For: GENE DELIVERY VECTORS PROVIDED
 WITH A TISSUE TROPISM FOR SMOOTH
 MUSCLE CELLS, AND/OR ENDOTHELIAL CELLS

Examiner: S. Chen

Group Art Unit: 1633

Attorney Docket No.: 4231US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: _____

Date of Deposit with USPS: _____

Person making Deposit: _____

Declaration Under 37 C.F.R. §§ 1.801-1.809

Commissioner for Parents
 Washington, D.C. 20231

Sir:

I, Dr. Ton Logtenberg, hereby certify that I am the Chief Scientific Officer of Crucell Holland B.V., successor in interest of INTROGENE B. V. ("Introgen"), and declare that:

1. I am informed and believe that Introgen is the assignee of U.S. patent application serial no. 09/444,284.
- 2.
3. I am informed and believe that on December 12, 2001 Introgen made deposits of the following constructs:
 - 4.a construct pBR/AD.BAMRFIB16.PAC under number ECACC 01121709;
 - 5.a construct pBR/AD.BAMRDELTAFIB.PAC under number ECACC 01121708;
 - 6.a construct pBR/AD.BAMRFIB16 under number ECACC 01121710;
 - 7.a construct pWE/Ad.AfllrlTRFib16 under number ECACC 01121711; and
 - 8.a construct pWE/Ad.AfllrlTRDE2AFib16 under number ECACC 01121712
9. under the provisions of the Budapest Treaty with the Centre for Applied Microbiology and Research Authority (European Collection of Animal Cell Cultures), Porton Down, Salisbury, Wiltshire SP4, OJG, United Kingdom, an International Depository Authority, in accordance with the Budapest Treaty.
- 10.

11. On behalf of Introgen, I state that all restrictions upon public access to the deposit (except those permitted by 37 C.F.R. § 1.808(b)) will be irrevocably removed upon the grant of a U.S. patent on this U.S. patent application, and the deposit will be replaced if viable samples cannot be dispensed by the depository.

12.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the patent.

14.

15.

Date: 26-02-02

Dr. Tom Logtenberg